

SENATE BILL No. 50

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-3-1.

Synopsis: September 11 terrorist attack victim tax relief. Excludes from taxable adjusted gross income the amount of compensation paid to an individual who died in the September 11, 2001, terrorist attack, the individual's spouse or child, or an estate or trust of the individual, spouse, or child.

Effective: January 1, 2001 (retroactive).

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November 20, 2001, read first time and referred to Committee on Finance.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 50

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-3-1-31 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2001 (RETROACTIVE)]: **Sec. 31. As used in this**
4 **article, "victim of the September 11 terrorist attack" means an**
5 **individual who:**

6 **(1) died from the crash (including those on the airplane and**
7 **those on the ground) of any of the four (4) commercial jet**
8 **airplanes that were hijacked in the United States on**
9 **September 11, 2001; or**

10 **(2) is a child or spouse of an individual described in**
11 **subdivision (1).**

12 SECTION 2. IC 6-3-1-32 IS ADDED TO THE INDIANA CODE
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
14 JANUARY 1, 2001 (RETROACTIVE)]: **Sec. 32. As used in this**
15 **article, "September 11 terrorist attack settlement payment" means**
16 **any compensation paid to a victim of the September 11 terrorist**
17 **attack:**



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1 **(1) in recognition of; or**
 2 **(2) to compensate for;**
 3 **losses incurred by the victim as a result of the crash of any of the**
 4 **four (4) commercial jet airplanes that were hijacked in the United**
 5 **States on September 11, 2001.**

6 SECTION 3. IC 6-3-1-3.5, AS AMENDED BY P.L.14-2000,
 7 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JANUARY 1, 2001 (RETROACTIVE)]: Sec. 3.5. When used in
 9 ~~IC 6-3~~, **this article**, the term "adjusted gross income" shall mean the
 10 following:

11 (a) In the case of all individuals, "adjusted gross income" (as
 12 defined in Section 62 of the Internal Revenue Code), modified as
 13 follows:

14 (1) Subtract income that is exempt from taxation under ~~IC 6-3~~
 15 **this article** by the Constitution and statutes of the United States.

16 (2) Add an amount equal to any deduction or deductions allowed
 17 or allowable pursuant to Section 62 of the Internal Revenue Code
 18 for taxes based on or measured by income and levied at the state
 19 level by any state of the United States.

20 (3) Subtract one thousand dollars (\$1,000), or in the case of a
 21 joint return filed by a husband and wife, subtract for each spouse
 22 one thousand dollars (\$1,000).

23 (4) Subtract one thousand dollars (\$1,000) for:

24 (A) each of the exemptions provided by Section 151(c) of the
 25 Internal Revenue Code;

26 (B) each additional amount allowable under Section 63(f) of
 27 the Internal Revenue Code; and

28 (C) the spouse of the taxpayer if a separate return is made by
 29 the taxpayer and if the spouse, for the calendar year in which
 30 the taxable year of the taxpayer begins, has no gross income
 31 and is not the dependent of another taxpayer.

32 (5) Subtract:

33 (A) one thousand five hundred dollars (\$1,500) for each of the
 34 exemptions allowed under Section 151(c)(1)(B) of the Internal
 35 Revenue Code for taxable years beginning after December 31,
 36 1996; and

37 (B) five hundred dollars (\$500) for each additional amount
 38 allowable under Section 63(f)(1) of the Internal Revenue Code
 39 if the adjusted gross income of the taxpayer, or the taxpayer
 40 and the taxpayer's spouse in the case of a joint return, is less
 41 than forty thousand dollars (\$40,000).

42 This amount is in addition to the amount subtracted under

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subdivision (4).

(6) Subtract an amount equal to the lesser of:

(A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal Revenue Code) for that taxable year that is subject to a tax that is imposed by a political subdivision of another state and that is imposed on or measured by income; or

(B) two thousand dollars (\$2,000).

(7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in Section 402(e)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received by the individual during the taxable year and if the capital gain portion of the distribution is taxed in the manner provided in Section 402 of the Internal Revenue Code.

(8) Subtract any amounts included in federal adjusted gross income under Internal Revenue Code Section 111 as a recovery of items previously deducted as an itemized deduction from adjusted gross income.

(9) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

(10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code for married couples filing joint returns if the taxable year began before January 1, 1987.

(11) Add an amount equal to the interest excluded from federal gross income by the individual for the taxable year under Section 128 of the Internal Revenue Code if the taxable year began before January 1, 1985.

(12) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

(13) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(14) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's

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adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

(15) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

(16) For taxable years beginning after December 31, 1999, subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

(17) Subtract an amount equal to the lesser of:

(A) two thousand five hundred dollars (\$2,500); or

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

(18) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under ~~IC 6-3~~ **this article** by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(c) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) reduced by:

(1) income that is exempt from taxation under ~~IC 6-3~~ this article by the Constitution and statutes of the United States; and

(2) an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11

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1 terrorist attack or a trust to the extent the trust benefits a
2 victim of the September 11 terrorist attack.

3 SECTION 4. [EFFECTIVE JANUARY 1, 2001 (RETROACTIVE)]
4 **IC 6-3-1-3.5, as amended by this act, applies to taxable years**
5 **beginning after December 31, 2000.**

6 SECTION 5. An emergency is declared for this act.

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